

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1478 be amended to read as follows:

- 1 Page 6, line 26, delete "other".
- 2 Page 8, line 14, delete "other".
- 3 Page 9, line 7, delete "other".
- 4 Page 42, line 29, after "subdivision" insert "**and registered voters**
- 5 **residing within the political subdivision**".
- 6 Page 42, line 31, after "subdivision" insert "**and registered voters**
- 7 **residing within the political subdivision**".
- 8 Page 45, between lines 7 and 8, begin a new line block indented and
- 9 insert:
10 "**(3) Beginning in 2008, money in the fund shall be transferred**
- 11 **to the state general fund in an amount, as calculated by the**
- 12 **budget agency, that is equal to the revenue loss (if any)**
- 13 **resulting from a statutory change providing that the riverboat**
- 14 **wagering tax under IC 4-33-13 is not considered a tax based**
- 15 **on or measured by income and is not required to be added**
- 16 **back to federal taxable income to determine Indiana adjusted**
- 17 **gross income.**
- 18 **(4) Beginning in 2008, money in the fund shall be transferred**
- 19 **to the state general fund in an amount, as calculated by the**
- 20 **budget agency, that is equal to the amount (if any) by which**
- 21 **riverboat wagering tax collected under IC 4-33-13 for a state**
- 22 **fiscal year is less than the riverboat wagering tax collected**
- 23 **under IC 4-33-13 for the state fiscal year ending in 2007.**".
- 24 Page 45, between lines 41 and 42, begin a new line block indented
- 25 and insert:
26 "**A member nominated and appointed under this subdivision**
- 27 **must be an elected official of a political subdivision.**".
- 28 Page 46, delete lines 9 through 11.
- 29 Page 46, line 22, after "a" insert "**county containing a**".
- 30 Page 46, line 39, after "If a" insert "**county (or two (2) or more**".
- 31 Page 46, line 39, delete "subdivision" and insert "**subdivisions**

- 1 **acting jointly)".**
- 2 Page 46, line 41, delete "the political subdivisions in the".
- 3 Page 46, line 42, delete "county".
- 4 Page 46, line 42, after "plan" delete "." and insert **"for political**
- 5 **subdivisions in the county."**.
- 6 Page 47, line 15, after "if" delete ":".
- 7 Page 47, delete lines 16 through 18.
- 8 Page 47, line 19, delete "(2)".
- 9 Page 47, run in lines 15 through 19.
- 10 Page 47, line 31, delete "decreases the credit percentages" and insert
- 11 **"provides relief described in subsection (b)".**
- 12 Page 47, line 32, delete "under IC 6-1.1-20.6-7".
- 13 Page 48, line 24, delete "residential" and insert **"homestead (as**
- 14 **defined in IC 6-1.1-20.9-1)".**
- 15 Page 48, line 26, delete "residential" and insert **"homestead"**.
- 16 Page 48, line 30, delete "residential" and insert **"homestead"**.
- 17 Page 48, line 33, delete "residential" and insert **"homestead"**.
- 18 Page 48, line 36, delete "residential" and insert **"homestead"**.
- 19 Page 48, line 41, delete "residential" and insert **"homestead"**.
- 20 Page 65, line 35, delete "appointed or".
- 21 Page 69, line 11, after "IC 6-1.1-17." insert **"If an ordinance**
- 22 **described in subdivision (1) or (2) has been adopted in a county and**
- 23 **has not been rescinded, the county board of tax and capital**
- 24 **projects review may not review tax rates, tax levies, and budgets**
- 25 **under IC 6-1.1-17-3, IC 6-1.1-17-5, IC 6-1.1-17-5.6, IC 6-1.1-17-6,**
- 26 **IC 6-1.1-17-7, IC 6-1.1-17-9, IC 6-1.1-17-10, IC 6-1.1-17-11,**
- 27 **IC 6-1.1-17-12, IC 6-1.1-17-14, IC 6-1.1-17-15, IC 12-19-7,**
- 28 **IC 12-19-7.5, IC 20-45, IC 20-46, IC 36-8-6, IC 36-8-7, IC 36-8-7.5,**
- 29 **IC 36-8-11, IC 36-9-3, IC 36-9-4, or IC 36-9-13."**
- 30 Page 69, between lines 29 and 30, begin a new paragraph and insert:
- 31 **"Sec. 0.5. This chapter applies only to a capital project that**
- 32 **meets both of the following conditions:**
- 33 **(1) The capital project is a controlled project (as defined in**
- 34 **IC 6-1.1-20-1.1), except as provided in subdivision (2).**
- 35 **(2) Notwithstanding IC 6-1.1-20-1.1(2), the capital project will**
- 36 **cost the political subdivision more than seven million dollars**
- 37 **(\$7,000,000)."**
- 38 Page 71, line 32, delete "This section applies only to a capital
- 39 project that is".
- 40 Page 71, delete line 33.
- 41 Page 71, line 34, delete "(b)".
- 42 Page 71, run in lines 32 through 34.
- 43 Page 71, line 35, delete "section:" and insert **"chapter:"**.
- 44 Page 72, line 12, delete "(c)" and insert **"(b)"**.
- 45 Page 72, line 16, delete "(d)" and insert **"(c)"**.
- 46 Page 74, line 9, delete "section 10(c)" and insert **"section 10(b)".**
- 47 Page 74, line 28, delete "section 10(b)(2)" and insert **"section**

1 **10(a)(2)".**

2 Page 153, between lines 41 and 42, begin a new paragraph and
3 insert:

4 "SECTION 110. IC 12-19-1-15 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 15. (a) ~~A county~~
6 ~~office~~ **The department of child services** may receive and administer
7 a gift, devise, or bequest of personal property, including the income
8 from real property, that is:

9 (1) to or for the benefit of a home or an institution in which
10 dependent or neglected children are cared for under the
11 supervision of the ~~county office~~; **department of child services**;
12 or

13 (2) for the benefit of children who are committed to the care or
14 supervision of the ~~county office~~; **department of child services**.

15 (b) ~~A county office~~ **The department of child services** may invest
16 or reinvest money received under this section in the same types of
17 securities in which life insurance companies are authorized by law to
18 invest the money of the life insurance companies.

19 (c) The following shall be kept in a ~~special~~ **the family and children**
20 **trust clearance** fund and may not be commingled with any other fund
21 or with money received from taxation:

22 (1) All money received by the ~~county office~~ **department of child**
23 **services** under this section.

24 (2) All money, proceeds, or income realized from real property or
25 other investments.

26 (d) Subject to the ~~approval of the judge or the court of the county~~
27 ~~having probate jurisdiction~~; **conditions imposed on the gift, devise, or**
28 **bequest by the donor**, money described in subsection (c)(1) or (c)(2)
29 may be expended by the ~~county office~~ **department of child services**
30 in any manner consistent with the purposes of the fund's creation and
31 with the intention of the donor.

32 SECTION 111. IC 12-19-1-16 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 16. ~~(a) This~~
34 ~~section does not apply to money received to reimburse the county~~
35 ~~family and children's fund for expenditures made from the~~
36 ~~appropriations of the county office~~.

37 **(a) The family and children trust clearance fund is established.**
38 **The department of child services shall administer the fund as a**
39 **trust fund. Money in the fund may be invested as money in other**
40 **trust funds is invested. The balance in the fund at the end of a state**
41 **fiscal year does not revert to the state general fund.**

42 (b) ~~A county office~~ **The department of child services** may receive
43 and administer money available to or for the benefit of a person
44 receiving payments or services from the county office. The following
45 applies to all money received under this section:

46 (1) The money shall be kept in a ~~special fund known~~ **as the county**
47 **family and children trust clearance** fund and may not be

commingled with any other fund or with money received from taxation.

(2) The money may be expended by the ~~county office~~ **department of child services or the division** in any manner consistent with the following:

(A) The purpose of the ~~county~~ family and children trust clearance fund or with the intention of the donor of the money.

(B) Indiana law."

Page 156, line 35, strike "paying expenses and".

Page 156, strike line 36.

Page 156, line 37, strike "approved." and insert "**making a transfer to the state required under section 35 of this chapter.**".

Page 160, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 118. IC 12-19-7-35 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 35. Subject to this section, before the fifth day of each month, all money contained in a county's fund at the end of the preceding month shall be transferred to the state family and children's fund established by IC 31-25-2-20.**".

Page 165, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 127. IC 16-33-4-17.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 17.5. (a) **The department of child services shall pay**, in the case of a child who is:

(1) admitted to the home from another county; and

(2) adjudicated to be a delinquent child or child in need of services by the juvenile court in the county where the home is located;

~~the juvenile court may order the county office of family and children of the child's county of residence~~ before the child's admission to the home, ~~to reimburse~~ the cost of services ordered by the juvenile court, including related transportation costs, and any cost incurred ~~by the county~~ to transport or detain the child before the order is issued.

(b) ~~A county office of family and children ordered to reimburse costs under this section~~ **The department of child services** shall pay the amount ordered from the ~~county state~~ family and children's fund **under IC 31-25-2-20.**

(c) The county office of family and children may require the parent or guardian of the child, other than a parent, guardian, or custodian associated with the home, to reimburse the ~~county family and children's fund~~ **department of child services** for an amount paid under this section.

(d) A child who is admitted to the home does not become a resident of the county where the home is located.

(e) When an unemancipated child is released from the home, the

1 county office of family and children for the child's county of residence
 2 before entering the home is responsible for transporting the child to the
 3 parent or guardian of the child. If a parent or guardian does not exist for
 4 an unemancipated child released from the home, the county office of
 5 family and children of the child's county of residence before entering
 6 the home shall obtain custody of the child.

7 SECTION 128. IC 20-26-11-12, AS AMENDED BY P.L.145-2006,
 8 SECTION 150, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JANUARY 1, 2008]: Sec. 12. (a) If a student is
 10 transferred under section 5 of this chapter from a school corporation in
 11 Indiana to a public school corporation in another state, the transferor
 12 corporation shall pay the transferee corporation the full tuition fee
 13 charged by the transferee corporation. However, the amount of the full
 14 tuition fee may not exceed the amount charged by the transferor
 15 corporation for the same class of school, or if the school does not have
 16 the same classification, the amount may not exceed the amount charged
 17 by the geographically nearest school corporation in Indiana that has the
 18 same classification.

19 (b) If a child is:

20 (1) placed by a court order in an out-of-state institution or other
 21 facility; and

22 (2) provided all educational programs and services by a public
 23 school corporation in the state where the child is placed, whether
 24 at the facility, the public school, or another location;

25 the ~~county office of family and children for the county placing the child~~
 26 **department of child services** shall pay from the ~~county state~~ family
 27 and children's fund **under IC 31-25-2-20** to the public school
 28 corporation in which the child is enrolled the amount of transfer tuition
 29 specified in subsection (c).

30 (c) The transfer tuition for which a county office is obligated under
 31 subsection (b) is equal to the following:

32 (1) The amount under a written agreement among the ~~county~~
 33 **office, department of child services**, the institution or other
 34 facility, and the governing body of the public school corporation
 35 in the other state that specifies the amount and method of
 36 computing transfer tuition.

37 (2) The full tuition fee charged by the transferee corporation, if
 38 subdivision (1) does not apply. However, the amount of the full
 39 tuition fee must not exceed the amount charged by the transferor
 40 corporation for the same class of school, or if the school does not
 41 have the same classification, the amount must not exceed the
 42 amount charged by the geographically nearest school corporation
 43 in Indiana that has the same classification.

44 (d) If a child is:

45 (1) placed by a court order in an out-of-state institution or other
 46 facility; and

47 (2) provided:

(A) onsite educational programs and services either through the facility's employees or by contract with another person or organization that is not a public school corporation; or

(B) educational programs and services by a nonpublic school; the ~~county office of family and children for the county placing the child~~ **department of child services** shall pay from the ~~county state~~ family and children's fund **under IC 31-25-2-20** in an amount and in the manner specified in a written agreement between the ~~county office~~ **department of child services** and the institution or other facility.

(e) An agreement described in subsection (c) or (d) is subject to the approval of the director of the department of child services. However, for purposes of IC 4-13-2, the agreement shall not be treated as a contract.

SECTION 129. IC 20-26-11-13, AS AMENDED BY P.L.2-2006, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 13. (a) As used in this section, the following terms have the following meanings:

(1) "Class of school" refers to a classification of each school or program in the transferee corporation by the grades or special programs taught at the school. Generally, these classifications are denominated as kindergarten, elementary school, middle school or junior high school, high school, and special schools or classes, such as schools or classes for special education, vocational training, or career education.

(2) "Special equipment" means equipment that during a school year:

(A) is used only when a child with disabilities is attending school;

(B) is not used to transport a child to or from a place where the child is attending school;

(C) is necessary for the education of each child with disabilities that uses the equipment, as determined under the individualized education program for the child; and

(D) is not used for or by any child who is not a child with disabilities.

(3) "Student enrollment" means the following:

(A) The total number of students in kindergarten through grade 12 who are enrolled in a transferee school corporation on a date determined by the state board.

(B) The total number of students enrolled in a class of school in a transferee school corporation on a date determined by the state board.

However, a kindergarten student shall be counted under clauses (A) and (B) as one-half (1/2) student. The state board may select a different date for counts under this subdivision. However, the same date shall be used for all school corporations making a count for the same class of school.

(b) Each transferee corporation is entitled to receive for each school year on account of each transferred student, except a student transferred under section 6 of this chapter, transfer tuition from the transferor corporation or the state as provided in this chapter. Transfer tuition equals the amount determined under STEP THREE of the following formula:

STEP ONE: Allocate to each transfer student the capital expenditures for any special equipment used by the transfer student and a proportionate share of the operating costs incurred by the transferee school for the class of school where the transfer student is enrolled.

STEP TWO: If the transferee school included the transfer student in the transferee school's ADM for a school year, allocate to the transfer student a proportionate share of the following general fund revenues of the transferee school for, except as provided in clause (C), the calendar year in which the school year ends:

(A) State tuition support distributions.

(B) Property tax levies.

(C) Excise tax revenue (as defined in IC 20-43-1-12) received for deposit in the calendar year in which the school year begins.

(D) Allocations to the transferee school under IC 6-3.5.

STEP THREE: Determine the greater of:

(A) zero (0); or

(B) the result of subtracting the STEP TWO amount from the STEP ONE amount.

If a child is placed in an institution or facility in Indiana under a court order, the institution or facility shall charge the ~~county office of the county of the student's legal settlement under IC 12-19-7~~ **department of child services** for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per student cost.

(c) Operating costs shall be determined for each class of school where a transfer student is enrolled. The operating cost for each class of school is based on the total expenditures of the transferee corporation for the class of school from its general fund expenditures as specified in the classified budget forms prescribed by the state board of accounts. This calculation excludes:

(1) capital outlay;

(2) debt service;

(3) costs of transportation;

(4) salaries of board members;

(5) contracted service for legal expenses; and

(6) any expenditure that is made out of the general fund from extracurricular account receipts;

for the school year.

(d) The capital cost of special equipment for a school year is equal

1 to:

2 (1) the cost of the special equipment; divided by

3 (2) the product of:

4 (A) the useful life of the special equipment, as determined
5 under the rules adopted by the state board; multiplied by

6 (B) the number of students using the special equipment during
7 at least part of the school year.

8 (e) When an item of expense or cost described in subsection (c)
9 cannot be allocated to a class of school, it shall be prorated to all
10 classes of schools on the basis of the student enrollment of each class
11 in the transferee corporation compared with the total student
12 enrollment in the school corporation.

13 (f) Operating costs shall be allocated to a transfer student for each
14 school year by dividing:

15 (1) the transferee school corporation's operating costs for the class
16 of school in which the transfer student is enrolled; by

17 (2) the student enrollment of the class of school in which the
18 transfer student is enrolled.

19 When a transferred student is enrolled in a transferee corporation for
20 less than the full school year of student attendance, the transfer tuition
21 shall be calculated by the part of the school year for which the
22 transferred student is enrolled. A school year of student attendance
23 consists of the number of days school is in session for student
24 attendance. A student, regardless of the student's attendance, is enrolled
25 in a transferee school unless the student is no longer entitled to be
26 transferred because of a change of residence, the student has been
27 excluded or expelled from school for the balance of the school year or
28 for an indefinite period, or the student has been confirmed to have
29 withdrawn from school. The transferor and the transferee corporation
30 may enter into written agreements concerning the amount of transfer
31 tuition due in any school year. If an agreement cannot be reached, the
32 amount shall be determined by the state board, and costs may be
33 established, when in dispute, by the state board of accounts.

34 (g) A transferee school shall allocate revenues described in
35 subsection (b) STEP TWO to a transfer student by dividing:

36 (1) the total amount of revenues received; by

37 (2) the ADM of the transferee school for the school year that ends
38 in the calendar year in which the revenues are received.

39 However, for state tuition support distributions or any other state
40 distribution computed using less than the total ADM of the transferee
41 school, the transferee school shall allocate the revenues to the transfer
42 student by dividing the revenues that the transferee school is eligible
43 to receive in a calendar year by the student count used to compute the
44 state distribution.

45 (h) Instead of the payments provided in subsection (b), the
46 transferor corporation or state owing transfer tuition may enter into a
47 long term contract with the transferee corporation governing the

transfer of students. The contract may:

- (1) be entered into for a period of not more than five (5) years with an option to renew;
- (2) specify a maximum number of students to be transferred; and
- (3) fix a method for determining the amount of transfer tuition and the time of payment, which may be different from that provided in section 14 of this chapter.

(i) If the school corporation can meet the requirements of IC 20-43-9-8, it may negotiate transfer tuition agreements with a neighboring school corporation that can accommodate additional students. Agreements under this section may:

- (1) be for one (1) year or longer; and
- (2) fix a method for determining the amount of transfer tuition or time of payment that is different from the method, amount, or time of payment that is provided in this section or section 14 of this chapter.

A school corporation may not transfer a student under this section without the prior approval of the child's parent.

(j) If a school corporation experiences a net financial impact with regard to transfer tuition that is negative for a particular school year as described in IC 20-45-6-8, the school corporation may appeal for an excessive levy as provided under IC 20-45-6-8.

SECTION 130. IC 20-33-2-29, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 29. (a) It is unlawful for a person operating or responsible for:

- (1) an educational **school**;
- (2) a correctional **school**;
- (3) a charitable **school**; or
- (4) a benevolent institution or training school;

to fail to ensure that a child under the person's authority attends school as required under this chapter. Each day of violation of this section constitutes a separate offense.

(b) If a child is placed in an institution or facility under a court order, the institution or facility shall charge the ~~county office of family and children of the county of the child's legal settlement under IC 12-19-7~~ **department of child services** for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per child cost."

Page 177, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 153. IC 31-9-2-120.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 120.4. "State fund" refers to the state family and children's fund established by IC 31-25-2-20.**

1 SECTION 154. IC 31-25-2-20 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JANUARY 1, 2008]: **Sec. 20. (a) The state family and**
 4 **children's fund is established. The department shall administer the**
 5 **state fund.**

6 **(b) The state fund consists of the following:**

7 **(1) The money transferred to the state fund from county**
 8 **family and children's funds under IC 12-19-7, including**
 9 **amounts paid under IC 31-40-1-2 to the state by a county to**
 10 **reimburse the state for the costs of services ordered by a**
 11 **juvenile court.**

12 **(2) Any fees or costs paid to the state by a child's parent or**
 13 **guardian under a support order or reimbursement order**
 14 **under IC 31-40-1.**

15 **(3) Any contributions to the state fund from individuals,**
 16 **corporations, foundations, or others for the purpose of**
 17 **providing child services.**

18 **(4) Any appropriations made to the state fund by the general**
 19 **assembly. However, this section does not obligate the general**
 20 **assembly to appropriate money to the state fund.**

21 **(5) Any money or grants that are received from the federal**
 22 **government and deposited in the state fund.**

23 **(6) Any other money required by law to be deposited in the**
 24 **state fund.**

25 **(c) The department of child services shall pay the following from**
 26 **the state fund:**

27 **(1) Expenses and obligations incurred by the department of**
 28 **child services in the payment of child services for children**
 29 **adjudicated to be:**

30 **(A) children in need of services; or**

31 **(B) delinquent children;**

32 **and other related services, but not including the payment of**
 33 **TANF.**

34 **(2) Medical care, including psychiatric care and institutional**
 35 **psychiatric care, for wards of the department of child services**
 36 **(described in IC 12-15-2-16).**

37 **(3) Any other expenditures for services described in section 7**
 38 **of this chapter.**

39 **(4) Any expense of a type that was payable before January 1,**
 40 **2008, from a county family and children's fund.**

41 **(5) Any other expense or obligation that is required to be paid**
 42 **from the state fund by law.**

43 **(d) The department may use money in the state fund to settle the**
 44 **obligations of a county and the department of child services for**
 45 **services provided before January 1, 2008.**

46 **(e) The treasurer of state shall invest the money in the state fund**
 47 **not currently needed to meet the obligations of the fund in the same**
 48 **manner as other public money may be invested.**

1 **(f) Money in the state fund at the end of a state fiscal year does**
 2 **not revert to the state general fund.**

3 SECTION 155. IC 31-34-24-13 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 13. (a) Upon
 5 receiving the initial plan and each revised or updated plan, the ~~county~~
 6 ~~fiscal body~~ **department of child services** shall consider the plan. ~~in~~
 7 ~~developing the family and children's fund budget.~~

8 (b) The ~~county fiscal body~~ **department of child services** may
 9 appropriate from the family and children's fund any amounts necessary
 10 **use money from the state family and children's fund under**
 11 **IC 31-25-2-20** to provide funding to implement the plan.

12 SECTION 156. IC 31-40-1-1 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. This article
 14 applies to a financial burden sustained by a county as the result of costs
 15 paid by the county under section 2 of this chapter **(as effective**
 16 **December 31, 2007) and the state under section 2 of this chapter (as**
 17 **effective after December 31, 2007)**, including costs resulting from the
 18 institutional placement of a child adjudicated a delinquent child or a
 19 child in need of services.

20 SECTION 157. IC 31-40-1-2 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. **(a) The**
 22 **department of child services shall pay for the cost of services**
 23 **ordered by the juvenile court for any child or the child's parent,**
 24 **guardian, or custodian, other than secure detention or probation**
 25 **services, if the services are set forth in a dispositional decree**
 26 **entered by the juvenile court.**

27 ~~(a)~~ **(b)** The county shall ~~pay~~ **reimburse the department of child**
 28 **services** from the county family and children's fund ~~for~~ the cost of:

- 29 (1) any services ordered by the juvenile court; ~~for any child or the~~
 30 ~~child's parent, guardian, or custodian, other than secure detention;~~
 31 and
 32 (2) returning a child under IC 31-37-23.

33 ~~(b)~~ **(c)** The county fiscal body shall provide sufficient money to
 34 meet the ~~court's requirements.~~ **county's obligation to reimburse the**
 35 **department of child services as required under subsection (b).**

36 SECTION 158. IC 31-40-1-3 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) A parent or
 38 guardian of the estate of a child adjudicated a delinquent child or a
 39 child in need of services is financially responsible as provided in this
 40 chapter (or IC 31-6-4-18(e) before its repeal) for any services ordered
 41 by the court.

42 (b) Each parent of a child alleged to be a child in need of services
 43 or alleged to be a delinquent child shall, before a dispositional hearing,
 44 furnish the court with an accurately completed and current child
 45 support obligation worksheet on the same form that is prescribed by the
 46 Indiana supreme court for child support orders.

47 (c) At:

- (1) a detention hearing;
- (2) a hearing that is held after the payment of costs by a county under section 2 of this chapter (or IC 31-6-4-18(b) before its repeal);
- (3) the dispositional hearing; or
- (4) any other hearing to consider modification of a dispositional decree;

the juvenile court shall order the child's parents or the guardian of the child's estate to pay, ~~for~~, or reimburse the county **or the department of child services, as appropriate**, for the cost of services provided to the child or the parent or guardian unless the court finds that the parent or guardian is unable to pay or that justice would not be served by ordering payment from the parent or guardian.

(d) Subject to subsection (e), when the court orders a child's parent or the guardian of the child's estate to make a payment or reimbursement under subsection (c), the court shall order the reimbursement to be paid to:

- (1) the county if the county pays the cost of services or is required to reimburse the department of child services for the cost of services from the county family and children's fund; and**
- (2) if subdivision (1) does not apply, the department of child services.**

(e) If the county executive adopts a resolution incorporating a written agreement with the department of child services to offset payments against any reimbursement otherwise due from the county to the department of child services, the court may order that payment that is required to be made to the county under subsection (d)(1) be made to the department of child services.

SECTION 159. IC 31-40-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. **Subject to section 3(e) of this chapter**, the parent or guardian of the estate of any child returned to Indiana under the interstate compact on juveniles under IC 31-37-23 shall reimburse the county for all costs:

- (1) payable, or that under section 2 of this chapter must be reimbursed by the county, from the county family and children's fund; and**
- (2) involved in returning the child;**

that the court orders the parent or guardian to pay under section 3 of this chapter (or IC 31-6-4-18(e) before its repeal) whether or not the child has been adjudicated a delinquent child or a child in need of services.

SECTION 160. IC 31-40-1-5, AS AMENDED BY P.L.145-2006, SECTION 362, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) This section applies whenever the court orders or approves removal of a child from the home of a child's parent or guardian and placement of the child in a

child caring institution (as defined in IC 31-9-2-16.7), a foster family home (as defined in IC 31-9-2-46.9), or the home of a relative of the child that is not a foster family home.

(b) If an existing support order is in effect, the court shall order the support payments to be assigned to the ~~county office~~ **department of child services** for the duration of the placement out of the home of the child's parent or guardian. The court shall notify the court that:

(1) entered the existing support order; or

(2) had jurisdiction, immediately before the placement, to modify or enforce the existing support order; of the assignment and assumption of jurisdiction by the juvenile court under this section.

(c) If an existing support order is not in effect, the court shall do the following:

(1) Include in the order for removal or placement of the child an assignment to the ~~county office~~, **department of child services**, or confirmation of an assignment that occurs or is required under applicable federal law, of any rights to support, including support for the cost of any medical care payable by the state under IC 12-15, from any parent or guardian who has a legal obligation to support the child.

(2) Order support paid to the ~~county office~~ **department of child services** by each of the child's parents or the guardians of the child's estate to be based on child support guidelines adopted by the Indiana supreme court and for the duration of the placement of the child out of the home of the child's parent or guardian, unless:

(A) the court finds that entry of an order based on the child support guidelines would be unjust or inappropriate considering the best interests of the child and other necessary obligations of the child's family; or

(B) the county office **or the department of child services** does not make foster care maintenance payments to the custodian of the child. For purposes of this clause, "foster care maintenance payments" means any payments for ~~the cost of (in whole or in part)~~ and the cost of providing food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, and reasonable amounts for travel to the child's home for visitation. In the case of a child caring institution, the term also includes the reasonable costs of administration and operation of the institution as are necessary to provide the items described in this clause.

(3) If the court:

(A) does not enter a support order; or

(B) enters an order that is not based on the child support guidelines;

the court shall make findings as required by 45 CFR 302.56(g).

(d) Payments in accordance with a support order assigned under subsection (b) or entered under subsection (c) (or IC 31-6-4-18(f) before its repeal) shall be paid through the clerk of the circuit court as trustee for remittance to the ~~county office~~; **department of child services.**

(e) The Title IV-D agency shall establish, modify, or enforce a support order assigned or entered by a court under this section in accordance with IC 31-25-3, IC 31-25-4, and 42 U.S.C. 654. The county office shall, if requested, assist the Title IV-D agency in performing its duties under this subsection.

(f) If the juvenile court terminates placement of a child out of the home of the child's parent or guardian, the court shall:

(1) notify the court that:

(A) entered a support order assigned to the county office under subsection (b); or

(B) had jurisdiction, immediately before the placement, to modify or enforce the existing support order;

of the termination of jurisdiction of the juvenile court with respect to the support order;

(2) terminate a support order entered under subsection (c) that requires payment of support by a custodial parent or guardian of the child, with respect to support obligations that accrue after termination of the placement; or

(3) continue in effect, subject to modification or enforcement by a court having jurisdiction over the obligor, a support order entered under subsection (c) that requires payment of support by a noncustodial parent or guardian of the estate of the child.

(g) The court may at or after a hearing described in section 3 of this chapter order the child's parent or the guardian of the child's estate to reimburse:

(1) the ~~county office~~ for all or any portion of the expenses for services provided to or for the benefit of the child that are paid **(or must be reimbursed by the county)** from the county family and children's fund; **and**

(2) if subdivision (1) does not apply, the department of child services;

during the placement of the child out of the home of the parent or guardian, in addition to amounts reimbursed through payments in accordance with a support order assigned or entered as provided in this section, subject to applicable federal law.

(h) A support order requiring payment to a county office shall be treated after December 31, 2007, as requiring payment to the department of child services.

SECTION 161. IC 31-40-1-6, AS AMENDED BY P.L.145-2006, SECTION 363, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 6. (a) The department ~~with the~~

approval of the county fiscal body; may contract with any of the following, on terms and conditions with respect to compensation and payment or reimbursement of expenses as the department may determine, for the enforcement and collection of any parental reimbursement obligation established by order entered by the court under section 3 or 5(g) of this chapter:

(1) The prosecuting attorney of the county that paid the cost of the services ordered by the court, as provided in section 2 of this chapter **(as effective December 31, 2007), and the prosecuting attorney of the county where the child resides for the costs of services ordered by the court, as provided in section 2 of this chapter (as effective after December 31, 2007).**

(2) An attorney for the department on behalf of the county office that paid the cost of services ordered by the court, if the attorney is not an employee of the county office or the department.

(3) An attorney licensed to practice law in Indiana.

(b) A contract entered into under this section is subject to approval under IC 4-13-2-14.1.

(c) Any fee payable to a prosecuting attorney under a contract under subsection (a)(1) shall be deposited in the county general fund and credited to a separate account identified as the prosecuting attorney's child services collections account. The prosecuting attorney may expend funds credited to the prosecuting attorney's child services collections account, without appropriation, only for the purpose of supporting and enhancing the functions of the prosecuting attorney in enforcement and collection of parental obligations ~~to reimburse the county family and children's fund~~ **ordered by the court under section 3 or 5(g) of this chapter.**

SECTION 162. IC 31-40-1-7, AS AMENDED BY P.L.145-2006, SECTION 364, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 7. (a) Amounts received as payment of support or reimbursement of the cost of services paid as provided in this chapter shall be distributed in the following manner:

(1) If any part of the cost of services was paid from federal funds under Title IV Part E of the Social Security Act (42 U.S.C. 671 et seq.), the amounts received shall first be applied as provided in 42 U.S.C. 657 and 45 CFR 302.52.

(2) **Subject to section 3(e) of this chapter,** all amounts remaining after the distributions required by subdivision (1) shall be deposited in:

(A) the county's family and children's fund (established by IC 12-19-7-3) ~~or if the money is received to pay a county that paid the cost of the services: obligation; or~~

(B) the state family and children's fund (established by IC 31-25-2-20) if the money is received to pay an obligation of the state fund.

(b) Any money deposited in a county family and children's fund

under this section shall be reported to the department, in the form and manner prescribed by the department, and ~~shall be applied to the child services budget compiled and adopted by the county director for the next state fiscal year, in accordance with IC 12-19-7-6.~~ **obligations of the county family and children's fund.**

SECTION 163. IC 31-40-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. If the parent or guardian of the estate:

(1) defaults in reimbursing the county **or state**; or

(2) fails to pay a fee authorized by this article;

the juvenile court may find the parent or guardian in contempt and enter judgment for the amount due."

Page 200, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 187. [EFFECTIVE JANUARY 1, 2008] (a) **On January 1, 2008, the balance of each county's county family and children trust clearance fund becomes part of the family and children trust clearance fund established under IC 12-19-1-16, as amended by this act. Any reference to a county or county office in a document relating to money in a county family and children trust fund shall be treated after December 31, 2007, as a reference to the department of child services. Any reference in a document to a county family and children trust fund shall be treated after December 31, 2007, as a reference to the family and children trust clearance fund established by IC 12-19-1-16, as amended by this act. Not later than January 10, 2008, each county auditor shall transfer the balance of the county's county family and children trust clearance fund to the department of child services for deposit in the family and children trust clearance fund established under IC 12-19-1-16, as amended by this act. The money transferred under this subsection is subject to the obligations of the county family and children trust clearance fund from which the money is transferred and the restrictions on any gifts or grants that apply to the money being transferred.**

(b) The department of child services may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to implement this SECTION. A temporary rule adopted under this subsection takes effect in the same manner as an emergency rule adopted under IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1, a temporary rule adopted under this subsection expires on the earliest of the following:

(1) The date specified in the temporary rule.

(2) The date that another temporary rule adopted under this subsection amends, repeals, or supersedes the previously adopted temporary rule.

(3) The date that a permanent rule adopted under IC 4-22-2 amends, repeals, or supersedes the previously adopted

- 1 **temporary rule.**
- 2 **(4) January 1, 2009."**
- 3 Renumber all SECTIONS consecutively.
(Reference is to EHB 1478 as printed April 6, 2007.)

Senator KENLEY